(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CG)

WRIT PETITION NO. 170 OF 2003

BETWEEN

Jagdish Prasad ,aged about 59 years S/o Dhanaram by caste Shrivas, resident of Akaltara (Purani Basti) Tehsil Janjgir District Janjgir Champa.

PETITIONER

P.R. No. S.C.P.S. Appeared for Shri Rakesh Ahirwar
Present - dated 06.01.03

A N D

(1) Thakur Ram Dewangan aged about 51 years S/o Barata by caste Dewangan, , Working as Up Dakpal (Sub Post Master) Village and Post Mungeli District Bilaspur (CG)

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

(30)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 170/2003 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

25.04.2003

Shri P.S. Chandel, counsel for the petitioner.

Heard.

This writ petition is against the order passed by the IInd Civil Judge, Class-II, Janjgir in Civil Suit No.459/2000 learned trial Judge whereby the application for appointment of Commissioner has been rejected on the ground that this can be decided by adducing evidence.

Having considered the facts and circumstances of the case, material on record and in view of the new amendment in C.P.C. made applicable w.e.f. 1.7.2002, in the opinion of this court ends of justice will be served if a direction is given to the petitioner to make an application afresh and on such an application being filed, the same shall be considered on its own merits in accordance with law. Even otherwise the petitioner may raise ground in appeal in case any such eventuality arises.

With the direction/observation aforesaid, this petition is disposed of.

Accordingly, M.W.P.159 of 2003 and I.A.528 of 2003 stand disposed of.

C.C. as per rules.

Sd/-
Fakhruddin
Judge

/Rao/

[पीठ दाखये